

AMENDED IN ASSEMBLY MARCH 31, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1616

Introduced by Assembly Member Niello

February 22, 2005

~~An act to amend Section 5090.02 of the Public Resources Code, relating to parks. An act relating to off-highway motor vehicle recreation.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1616, as amended, Niello. Off-highway motor vehicle recreation.

The Off-Highway Motor Vehicle Recreation Act of 1988 declares that effectively managed areas and adequate facilities for the use of off-highway vehicles and conservation and enforcement are essential for ecologically balanced recreation. *Existing law establishes the Off-Highway Vehicle Trust Fund, and the act authorizes the use of moneys in the fund for, among other things, grants to cities, counties, and appropriate districts for the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off-highway motor vehicles and programs involving off-highway motor vehicle safety or education, as well as for certain cooperative agreements. The act requires the Division of Off-Highway Motor Vehicle Recreation to audit the grants and cooperative agreements, as specified.* ~~The act states that it is the intent of the Legislature that when areas or trails or portions thereof cannot be maintained to appropriate established standards for sustained long-term use, they shall be closed to use and repaired, to prevent accelerated erosion. The act also states that it is the intent of the~~

~~Legislature that those areas shall remain closed until they can be managed within the soil loss standard or shall be closed and rehabilitated.~~

~~This bill would instead state that it is the intent of the Legislature that every effort shall be made to reopen those areas as soon as possible, unless they cannot be managed within the soil loss standard.~~

This bill would require the State Auditor, at the earliest possible time, to prepare and submit to the Legislature a report identifying any factors, based on the findings of a specified audit by the State Auditor, that have contributed to the change in the amount of overhead costs charged to the Off-Highway Motor Vehicle Program for the 2001-02, 2002-03, and 2003-04 fiscal years, including specified information.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 5090.02 of the Public Resources Code~~
2 ~~is amended to read:~~

3 ~~5090.02. (a) The Legislature finds that off-highway motor~~
4 ~~vehicles are enjoying an ever-increasing popularity in California~~
5 ~~and that the indiscriminate and uncontrolled use of those vehicles~~
6 ~~may have a deleterious impact on the environment, wildlife~~
7 ~~habitats, native wildlife, and native flora.~~

8 ~~(b) The Legislature hereby declares that effectively managed~~
9 ~~areas and adequate facilities for the use of off-highway vehicles~~
10 ~~and conservation and enforcement are essential for ecologically~~
11 ~~balanced recreation.~~

12 ~~(c) Accordingly, it is the intent of the Legislature that:~~

13 ~~(1) Existing off-highway motor vehicle recreational areas,~~
14 ~~facilities, and opportunities be expanded and be managed in a~~
15 ~~manner consistent with this chapter, in particular to maintain~~
16 ~~sustained long-term use.~~

17 ~~(2) New off-highway motor vehicle recreational areas,~~
18 ~~facilities, and opportunities be provided and managed pursuant to~~
19 ~~this chapter in a manner that will sustain long-term use.~~

20 ~~(3) When areas or trails or portions thereof cannot be~~
21 ~~maintained to appropriate established standards for sustained~~
22 ~~long-term use, they shall be closed to use and repaired, to prevent~~
23 ~~accelerated erosion. Every effort shall be made to reopen those~~

1 areas as soon as possible, unless they cannot be managed within
2 the soil loss standard.

3 ~~(4) Prompt and effective implementation of the Off-Highway~~
4 ~~Motor Vehicle Recreation Program by the Division of~~
5 ~~Off-Highway Motor Vehicle Recreation shall have an equal~~
6 ~~priority among other programs in the department.~~

7 ~~(5) Off-highway motor vehicle recreation be managed in~~
8 ~~accordance with this chapter through financial assistance to local~~
9 ~~government and joint undertakings with agencies of the United~~
10 ~~States.~~

11 *SECTION. 1. It is the intent of the Legislature to enact*
12 *legislation that would implement, in a timely fashion, the*
13 *recommendations of the State Auditor, based on the findings in*
14 *State Audit 2004-126.*

15 *SEC. 2. The State Auditor shall, at the earliest possible time,*
16 *prepare and submit to the Legislature a report identifying any*
17 *factors, based on the findings of State Audit 2004-126, that have*
18 *contributed to the change in the amount of overhead costs*
19 *charged to the Off-Highway Motor Vehicle Program for the*
20 *2001-02, 2002-03, and 2003-04 fiscal years. The report shall*
21 *also include a review of the activities and services provided, and*
22 *charged for, by other state agencies as overhead, on a pro rata*
23 *basis, to determine if staff from the Division of Off-Highway*
24 *Motor Vehicle Recreation have previously performed any of*
25 *those activities or services that are currently being provided by*
26 *another state agency.*